

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SHERRY SIMPHER,

Plaintiff,

VS.

ANDREW SAUL,
Commissioner of Social Security,

Defendants.

Case No. 4:19cv2850 SNLJ

MEMORANDUM and ORDER

Plaintiff filed this Social Security appeal on October 21, 2019. In responding to plaintiff's brief, the defendant Commissioner determined that the matter should be reversed and remanded and filed a motion to remand [#14]. The defendant requests "that the Court enter a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure reversing the decision of the ALJ and remanding this case to the Commissioner under sentence four of 42 U.S.C. § 405(g)." On remand, the Commissioner will reevaluate the opinion of Bassam Malo, M.D., and proceed as necessary in the sequential evaluation process. Plaintiff has not responded to the motion.

Sentence four of 42 U.S.C. § 405(g) states that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” In order for the Court to properly remand a case to the Commissioner pursuant to sentence four, the Court must enter an order either

affirming, modifying, or reversing the Commissioner's decision. *See Brown v. Barnhart*, 282 F.3d 580, 581 (8th Cir. 2002).

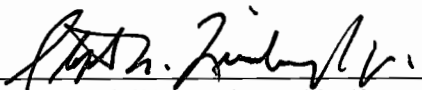
It is appropriate to reverse and remand this case in order to permit the Commissioner to take further action as requested in his motion.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion for remand is GRANTED [#14].

IT IS FURTHER ORDERED that the decision of the Commission be reversed and this cause be remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) for those reasons set forth in this Memorandum and Order.

Dated this 8th day of July, 2020.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE